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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/900,360	07/25/1997	WELLS OBRECHT	2569-0103P	8032

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/29/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Appellant's Letter Filed on October 17, 2002

1. In Appellant's letter filed on October 17, 2002, Appellant argues that Examiner's statement that "Appellant must still swear beyond the non-internet version of source interactive back as far as August 22, 1995 (as disclosed in reference 'U, Interactive Buyer Net Poland Interactive Software Inc. acquired new software introduced') is a "new reason advanced by the Examiner" that "was never part of an explanation of the rejection" (Page 5 of letter).

First, Appellant is reminded that Examiner's statement was made in response to Appellant's filing of a Declaration under 37 C.F.R. § 1.131 filed on June 14, 2000 (Paper No. 14); therefore this statement in its entirety was never part of an art rejection.

Second, the Examiner was clarifying why Appellant's Declaration under 37 C.F.R. § 1.131 was and remains to be non-effective. As a matter of fact, this statement in question merely reiterates the facts already set forth by the Examiner in previous Office actions. The Appellant's invention stands rejected over the product *Source Interactive Software*. In the Office action immediately following Appellant's submission of the Declaration under 37 C.F.R. § 1.131 filed on June 14, 2000 (Paper No. 14), i.e., Final Office action (Paper No. 15), the Examiner respectfully reminded the Appellant that "the inventor needs to swear behind the *Source Interactive Software* as a whole, taking into account its earlier date of disclosure, in order to provide an effective declaration under 37 CFR 1.131" (Page 3 of Paper No. 15). At this point, the art rejection from the previous Office action (Paper No. 11) was maintained and incorporated by reference into Paper No. 15. The beginning of the art rejection, found on page 2 of Paper No. 11,

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clearly states that "*Source Interactive* (produced by Interactive Buyers Network International Ltd. (IBNL), previously known as Dyna-Seal Corp. and currently under the name of Virtual Source or Vsource) was first introduced into the marketplace in 1995 (reference 'U' date of August 22, 1995) as an interactive system for purchasing goods or services from a seller by a buyer." Clearly, in order to **completely** overcome the art rejection over the product *Source Interactive Software* (i.e., in order to overcome both the Internet- and non-Internet-based versions of *Source Interactive Software*), "the inventor needs to swear behind the *Source Interactive Software* as a whole, taking into account its earlier date of disclosure, in order to provide an effective declaration under 37 CFR 1.131," wherein the "earlier date of disclosure" is August 22, 1995. Since the rejection of the claimed invention over the product *Source Interactive Software* was established in Non-Final Office action (Paper No. 11), mailed on February 17, 2000, the Examiner respectfully submits that Appellant has been given ample time and explanation to understand which date to swear behind in order to provide an effective declaration under 37 C.F.R. § 1.131. Further, it should be noted that Appellant has neither attempted to swear behind the non-Internet-based version of *Source Interactive Software* (dating back as far as August 22, 1995) nor the enhancements introduced by the Internet-based-version of *Source Interactive Software* (dating back as far as December 14, 1995).

In conclusion, the Examiner has clarified all of the issues pending before the Board of Appeals; therefore, no further response is needed from the Examiner.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:


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or faxed to:

(703)305-7687 [Official communications; including
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"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna M. Diaz 
Patent Examiner
Art Unit 3623
November 27, 2002


**TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
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